

REMARKS/ARGUMENTS

Upon entry of this Amendment, Claims 1-3, 5-11, 13 and 14 will be pending in the application. Claims 4 and 12 have been canceled. Non-elected Claims 15-61 have been withdrawn by the Examiner. The Examiner's indication that Claim 3 would be allowable if rewritten in independent form is acknowledged with appreciation.

Claim 1 has been amended to recite that the alkane substrate comprises butane and/or propane as the most prevalent compound on a weight percentage basis. Basis for the amended claim language is provided in the specification, for example, at page 5, paragraph [0034] and original Claims 3 and 5.

Claim 1 has also been amended to recite introducing an oxygen-containing gas to agricultural waste. Basis for this amended claim language is provided in the specification, for example, at pages 9-10, paragraph [0053], and original Claim 12.

Claims 1, 6-10 and 12-14 were rejected under 35 U.S.C. §§ 102(b) and 102(e) as allegedly being anticipated by Teran '174. According to the Office Action, Teran '174 discloses a method for treating agricultural wastes by mechanical aeration. The Office Action states that such aeration utilizes air which is known to comprise methane.

It is submitted that Claim 1 distinguishes over Teran '174. Claim 1 recites the introduction of an alkane substrate comprising butane and/or propane as the most prevalent compound on a weight percentage basis to agricultural waste. No such teaching or suggestion is provided by Teran '174. Accordingly, Claim 1, and the claims that depend therefrom, are patentable over Teran '174.

Claims 1-2, 4, 5, 10 and 11 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Barkley '551. According to the Office Action, Barkley '551 describes a method of treating wastewater comprising introducing natural gas (comprising methane, propane 3% and butane 1%) into aqueous wastewater.

It is submitted that Claim 1 distinguishes over Barkley '551 because the reference does not teach or suggest the introduction of an alkane substrate comprising butane and/or propane as the most prevalent compound on a weight percentage basis to agricultural waste. Accordingly, Claim 1, and the claims that depend therefrom, are patentable over Barkley '551.

Claims 1 and 5-11 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Trost '890. According to the Office Action, Trost '890 discloses that anaerobic digestion has been employed to treat wastewater containing agricultural residues and animal waste. The Office Action states that Trost describes that such anaerobic digestion processes introduce methane and propane into the waste stream.

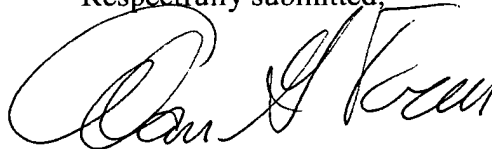
It is submitted that Claim 1 distinguishes over Trost '890 because the reference discloses anaerobic digestion of wastewaters and does not teach or suggest the introduction of an oxygen-containing gas to agricultural waste, as presently claimed. Accordingly, Claim 1, and the claims that depend therefrom, are patentable over Trost '890.

In response to the Examiner's objection to the figures to the extent that they include color photographs, Applicant confirms that all of the photographs contained in the figures are in black and white rather than in color. Accordingly, it is submitted that the drawings objection has been overcome.

In view of the foregoing amendments and remarks, it is submitted that Claims 1-3 and 5-11, 13 and 14 are in condition for allowance. Accordingly, an early Notice of Allowance is respectfully requested.

In the event that any outstanding matters remain in connection with this application, the Examiner is invited to telephone the undersigned at (412) 263-4340 to discuss such matters.

Respectfully submitted,



Alan G. Towner
Registration No. 32,949
Pietragallo, Bosick & Gordon LLP
One Oxford Centre, 38th Floor
301 Grant Street
Pittsburgh, PA 15219
Attorney for Applicant

(412) 263-4340